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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,659	09/10/2003	Nathaniel Christopher Herwig	11388.00	3696
26884	7590	11/29/2007	EXAMINER	
PAUL W. MARTIN NCR CORPORATION, LAW DEPT. 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			LABAZE, EDWYN	
			ART UNIT	PAPER NUMBER
			2876	
			MAIL DATE	DELIVERY MODE
			11/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/659,659

**Applicant(s)**

HERWIG ET AL.

**Examiner**

EDWYN LABAZE

**Art Unit**

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 9/4/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 9/4/2007.
2. Claims 1-10 {including new claims 9-10} for examination.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narusawa et al. (U.S. 6,947,171) in view of Gatto et al. (U.S. 6,710,895).

Re claims 1-4 and 7-10: Narusawa et al. discloses multifunction printer, computer, printing system and recording medium, which includes a housing for containing two normally separately housed peripherals for saving space at a terminal including a receipt printer 24/34 and a bar code reader {herein card reader 26/36 or image scanner 76/86; as shown in figs. # 14-15}; and control circuitry {herein USB hubs 22, 32} in the housing for facilitating communication of

receipt data between the printer and a separately {herein Narusawa et al. teaches that the multifunction printer holding identification information indicating that the data acquiring device and the printing device are held in a common housing, the computer being capable of recognizing the data acquiring device and the printing device independently, even when they are held in a single housing of a multifunction printer} housed controlling transaction computer and bar code data between the bar code reader and the separately housed controlling transaction computer over a single cable {herein USB cable 40, 42} (col.2, lines 53-67; col.3, lines 10+; col.12, lines 55+; col.14, lines 34+). Narusawa et al. further teaches a computer peripheral {herein host computer 10} (col.5, lines 8+).

Narusawa et al. fails to specifically teach that the system is used at a checkout station during a sale of products completed by the transaction computer and the printer is a receipt printer.

Gatto et al. discloses compact configurable scanning computer terminal, which includes a multi-function terminal comprising of receipt printer assembly 19 (col.5, lines 65; col.7, lines 15-20), a CCD bar code reader/scanner 15 {wherein the presentation scanner is fixedly connected to housing/device while bar coded objects are moved through the scanned field} (col.6, lines 1). Gatto further discloses that the receipt printer assembly may include a printer of a type selected from a group including thermal print, impact (col.8, lines 8-21), and other interfaces {such as a magnetic ink character} through the general purpose interfaces 109.

In view of Gatto et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the invention was made to employ into the teachings of Narusawa et al. a receipt printer for completing sale transaction of products. Such modification would be more effective in

enabling scanning a product's label/barcode, decoding and outputting product information, and means of accepting, computing currency exchange {i.e. displaying price of the product, entering currency tendered, and computing customer's change back if available, and printing previous steps/functions over customer's receipt} through the receipt printer. Although Gatto et al. did not emphasize on a checkout system, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Therefore, such modification would have been an obvious extension as taught by Narusawa et al.

Re claim 5: Narusawa et al. discloses a system and method, wherein the housing was originally designed to only contain the printer, and wherein the bar code reader is located in a position in the housing that does not interfere with operation of the printer (col.14, lines 34-47).

Re claim 6: Narusawa et al. discloses a system and method, wherein the control circuitry comprises a universal serial bus {USB hubs 22, 32} (col.5, lines 16+).

### ***Response to Arguments***

6. Applicant's arguments filed 9/4/2007 have been fully considered but they are not persuasive.

7. The applicant argues that the office discloses a bar code reader. The applicant also acknowledges that a bar code reader may include an image scanner, but not necessarily vice versa. The applicant states that there is teaching in Narusawa to using an image scanner to read barcodes (see page 7, 3<sup>rd</sup> & 4<sup>th</sup> paragraphs of applicant's arguments).

With regards to the applicant's arguments, claim 1 recites a barcode reader and claim 2 recites that the barcode reader is an image scanner. Gatto discloses a CCD a bar code reader, well-know to one skilled in the art as an image scanner, therefore it would have been obvious to enable scanning a product's label/barcode, decoding and outputting product information (as described above). Therefore, Narusawa in view of Gatto anticipates the claimed rejection.

8. The applicant argues that Narusawa, alone or in combination with Gatto, fails to teach to disclose that the system is used at a checkout during the sale of a product (see page 8, 2<sup>nd</sup> & 3<sup>rd</sup> paragraphs of applicant's arguments).

With regards to the applicant's arguments, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Although, Gatto discloses a cash register 106 and a cash drawer 158, one skilled in the art would agree that the cash register and the cash drawer are employed in a sale of products and therefore Narusawa in view of Gatto would anticipate the claimed limitations as described above.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mold (U.S. 5,978,772) teaches merchandise checkout system.

Ono et al. (U.S. 6,126,340) discloses printer.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

El  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
November 23, 2007



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PRIMARY EXAMINER